

03-04

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN,  
STATE OF NEW JERSEY IMPLEMENTING THE REDEVELOPMENT PLAN FOR  
AREAS LOCATED WITHIN THE BOROUGH OF MERCHANTVILLE KNOWN AS THE  
“MAPLE AVENUE REDEVELOPMENT PLAN” AND AMENDING CHAPTER 94,  
ZONING, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**WHEREAS**, a redevelopment project must be undertaken pursuant to a “redevelopment plan” adopted by municipal ordinance pursuant to N.J.S.A. 40A:12A-7, and said redevelopment plan must include an outline for the planning, development, redevelopment or rehabilitation of the project area; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey directed the Planning Board of the Borough of Merchantville to conduct a preliminary investigation to determine whether certain areas within the Borough satisfied the statutory criteria as redevelopment areas; and

**WHEREAS**, pursuant to the directive of the Mayor and Borough Council of the Borough of Merchantville, the Planning Board of the Borough of Merchantville to conducted a preliminary investigation and recommended the designation of all those areas of land within the Borough of Merchantville, more particularly described as Block 26, Lots 1.01, 1.02, 1.05 and 1.07 on the Tax Map of the Borough of Merchantville, more commonly referred to as 32 West Maple Avenue and 30 West Maple Avenue, as redevelopment areas and also prepared a redevelopment plan for the Mayor and Borough Council of the Borough of Merchantville for its approval; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Merchantville approved the recommendations of the Planning Board of the Borough of Merchantville by a majority vote of its full membership, designating the areas within the “Maple Avenue Redevelopment Plan” as redevelopment areas; and

**WHEREAS**, the redevelopment plan for the “Maple Avenue Redevelopment Plan” meets the aforesaid requirements, and is consistent with the Borough’s Master Plan;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that the Redevelopment Plan recommended by the Planning Board of the Borough of Merchantville, and approved by the Mayor and Borough Council of the Borough of Merchantville, is hereby adopted as the Maple Avenue Redevelopment Plan of the Borough of Merchantville for the areas identified above and depicted in the map and plan adopted hereby and incorporated herein pursuant to N.J.S.A. 40A:12A-7; and

**BE IT FURTHER ORDAINED** that Article VIII, Section 94-33 of the Code of the Borough of Merchantville is amended, as it relates to this Redevelopment Zone only, as follows:

**ARTICLE II.                      SECTION 94-5                      Terms defined.**

**CONVENIENCE STORES** - A store, generally less than 5,000 square feet in size, where the primary business is the sale of packaged goods and/or groceries and a wide variety of sundries, including, but not limited to, food, beverages, cigarettes, candy, confectionary items, film and film processing, small appliances, clothing, toys, nonprescription medicines, cards, pain relievers and pharmacy items purchased with or without medical prescriptions, health, hygiene and medical aids and supplies,

refrigerated items, cosmetics, paper products, seasonal decorations and similar items.

**ARTICLE VIII.**

**SECTION 94-33.1**

**Permitted Principal Uses - Maple  
Avenue Redevelopment Zone.**

- (A) Retail sales of goods and services, other than convenience stores.
- (B) See Section 94-33(B).
- (C) See Section 94-33(C).
- (D) See Section 94-33(D).
- (E) See Section 94-33(E).
- (F) See Section 94-33(F).
- (G) All other uses required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.,  
excluding Senior Citizen multi-family buildings.
- (H) Deleted in its entirety.


**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon passage and publication according to law.

**THE BOROUGH OF MERCHANTVILLE**

BY: 

**PATRICK J. BRENNAN, MAYOR**

**ATTEST:**



**SUSAN B. WALKER, BOROUGH CLERK**

Ord mapleavedevplan

The foregoing ordinance was introduced by the Mayor and Council of the Borough of Merchantville at its regular meeting held on March 24, 2003. This Ordinance will be considered for adoption on final reading and public hearing to be held on April 28, 2003 at 7:30 p.m. in the Council Meeting Room, Municipal Building, 1 West Maple Avenue, Merchantville, New Jersey.

LAW OFFICES  
**MADDEN, MADDEN & DEL DUCA**

A PROFESSIONAL CORPORATION

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PATRICK J. MADDEN\*

JOHN-PAUL MADDEN\*

\* MEMBER OF NJ AND PA BAR

March 19, 2003

Ms. Susan Walker  
Clerk  
Borough of Merchantville  
1 West Maple Avenue  
Merchantville, New Jersey 08109

**Re: Merchantville Planning Board – Proposed Redevelopment Area –  
Block 26, Lots 1.01, 1.02, 1.05 and 1.07**

Dear Sue:

As you may recall, a public hearing was held by the Planning Board of the Borough of Merchantville at the Borough Council Chambers on Tuesday evening, March 11, 2003 at 7:30 p.m., with respect to the above matter.

In that regard, I am enclosing herewith the original Certification of Service and Publication of the undersigned with attachments, noting the service by certified mail upon the owners of the subject property, and publication of notice as further set forth within the Certification. I am also enclosing herewith the original Certification of Service reflecting the mailing of the Resolution of Memorialization to the subject owners, on March 19, 2003. I will be publishing notice of the action reflected in the Resolution with the Retrospect in the immediate future.

In addition to the above, I also enclose herewith the original Resolution of Memorialization signed by William L. Walker, Chairman of the Planning Board.

As noted in the Resolution, the Planning Board has recommended approval of the Preliminary Investigation and Redevelopment Plan prepared by Remington and Vernick Engineers, Inc., and has recommended the adoption by the Governing Body of the Borough of Merchantville, of the redevelopment area, and the Redevelopment Plan set forth within the aforesaid report.

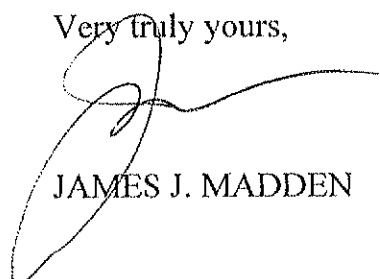
Ms. Susan Walker  
March 19, 2003  
Page Two

I am forwarding a copy of the Resolution of Memorialization to the owners of the property as further set forth within my certification.

Should you have any questions regarding the enclosures please advise me at your convenience.

Please file the enclosures pursuant to your normal procedure.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Madden', with a long horizontal flourish extending to the right.

JAMES J. MADDEN

JJM:sp

Enclosure

Cc: Mr. William Walker  
Mayor Patrick Brennan  
Nicholas DiMatteo  
Paul G. Stridick  
Steven Selverian

In Re: Proposed Redevelopment

Area

Block 26, Lots 1.01, 1.02, 1.05 and

1.07

BOROUGH OF MERCHANTVILLE

PLANNING BOARD

## **RESOLUTION OF MEMORIALIZATION**

WHEREAS, this matter was brought before the Planning Board of the Borough of Merchantville for public hearing, on Tuesday evening, March 11, 2003 at 7:30 p.m., in the Borough council chambers at the Merchantville Borough Hall, Maple Avenue and Centre Street, Merchantville, New Jersey, and

IT APPEARING that the following members of the Planning Board of the Borough of Merchantville were in attendance at this meeting; Nicholas DiMatteo, Patrick J. Brennan, Paul G. Stridick, Steven Selverian, and William Walker, Chairman (Jane McDonald attended the meeting but recused herself because she lived within 200 feet of the subject property), and

IT FURTHER APPEARING that notice of hearing has been provided to all interested parties, and further that notice of publication of this meeting occurred in the Retrospect, on February 28, 2003 as evidenced by the Certification of Service and Publication submitted by counsel for the Planning Board, and

IT FURTHER APPEARING that a Resolution was adopted by the Planning Board of the Borough of Merchantville, on January 14, 2003, which in part, adopted a motion to refer the matter to a consultant in order to examine the area designated, and prepare a report to indicate whether or not the area qualifies as a "Redevelopment Area", under the standards set forth in the

New Jersey Statue, N.J.S.A. 40A:12A-1 et seq., and

IT FURTHER APPEARING that the property in question is designated on the Tax Map of the Borough of Merchantville as Block 26, Lot 1.01, 1.02, 1.05 and 1.07, hereinafter referred as to the "Property", and

IT FURTHER APPEARING that the matter was referred to Remington & Vernick, Engineers, for the purpose of preparing a Preliminary Investigation and Redevelopment Plan for the Property, and

IT FURTHER APPEARING that a Preliminary Investigation and Redevelopment Plan was prepared by Remington & Vernick Engineers, Inc., dated March 2003, which will be hereinafter referred to as "Investigation and Plan", which has been reviewed by the Planning Board of the Borough of Merchantville, and

IT FURTHER APPEARING that the following individuals attended and spoke with respect to this matter, as follows:

A. George R. Stevenson, Jr., P.P., AICP, of Remington and Vernick, testified with respect to the Preliminary Investigation and Development Plan prepared by Remington and Vernick Engineers, Inc., dated March 2003. Mr. Stevenson testified with respect to the Preliminary Investigation aspect of the Investigation and Plan as aforesaid and provided an overview with respect to the local Redevelopment and Housing Law of the State of New Jersey, and more specifically, addressed the several criteria forming the basis of declaring the Property as a redevelopment area. Mr. Stevenson testified with respect to subsections (a), (b), (d), and (e), of NJSA 40A:12A-5, which are also more particularly addressed in the Investigation and Plan as

aforesaid pages 16 and 17 thereof.

B. Meghan Sinnott, of Remington and Vernick Engineers, Inc., testified with respect to part 2 of the Investigation and Plan of Remington and Vernick Engineers, Inc., which addresses issues regarding a Redevelopment Plan.

C. Dr. Abba Hussain, who is the owner of Block 26, Lot 1.07, (and together with his wife Jumana, as the owner of Block 26, Lot 1.05), testified with respect to his ownership of the properties referred to above, and the fact that he has entered into an Agreement of Sale with D'Anastasio Corp., dated March 5, 2003. The Board deemed the Agreement irrelevant in view of the fact that it has no bearing upon the issue of whether or not the Property should be declared as a redevelopment area.

D. Jay O'Donnell testified with respect to the positive aspect of the redevelopment concept and the fact that a Declaration of Redevelopment for the Property would increase the viability of same related to development.

IT FURTHER APPEARING that a recommendation should be made to the Governing Body of the Borough of Merchantville, recommending the adoption of an Ordinance by the Governing Body designating the Property as an area in need of redevelopment, in accordance with New Jersey Statutes and adopting the Plan of Redevelopment as set forth within the Investigation and Plan.

NOW THEREFORE, upon Motion duly made and seconded and unanimously adopted.

BE IT RESOLVED that the Planning Board of the Borough of Merchantville hereby adopts the Investigation and Plan, and recommends the Investigation and Plan to the Governing

Body of the Borough of Merchantville,

BE IT FURTHER RESOLVED, that the Planning Board of the Borough of Merchantville specifically finds that the Property meets criteria “a”, “b”, “d” and “e” of the statutory standards for evaluating a delineated area for redevelopment set forth in N.J.S.A. 40A:12A-5.

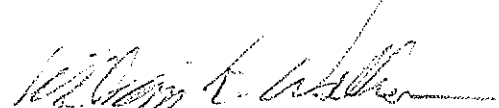
BE IT FURTHER RESOLVED that it is recommended by the Planning Board of the Borough of Merchantville, that the Governing Body of the Borough of Merchantville, adopt an Ordinance designating the Property as an area in need of redevelopment in accordance with the statutes of the State of New Jersey, and also adopt the Redevelopment Plan as set forth in the Investigation and Plan.



BE IT FURTHER RESOLVED that a copy of this Resolution be served upon all interested parties.

DATE: March 11, 2003

MERCHANTVILLE PLANNING BOARD

By:   
William L. Walker, Chairman

PROOF OF  
PUBLICATION

\* \* \*

County of Camden:  
State of New Jersey: SS.

RETT AINSWORTH, of lawful age,  
being duly sworn according to law,  
doth depose and say that he is the  
resident of Ainsworth Media, Inc.,  
publishers of

"THE RETROSPECT"

newspaper published in the  
Borough of Collingswood, County of  
Camden, State of New Jersey, under  
date of Friday of each week, and that  
the notice, of which the annexed is a  
true copy, was published in said  
newspaper under date of

4/11/03

and continued therein for

..... weeks successively  
hereafter, to wit:

..... making in all ..... publications.

*Ret Ainsworth*

\* \* \*

*Susan Keneally-Ainsworth*

SWORN TO AND SUBSCRIBED  
BEFORE ME ON THIS DATE

APR 11 2003

SUSAN KENEALLY-AINSWORTH  
Notary Public of New Jersey  
Commission Expires 9/13/2005

**Borough of Merchantville**  
**ORDINANCE OF THE BOROUGH OF**  
**MERCHANTVILLE, COUNTY OF CAMDEN,**  
**STATE OF NEW JERSEY IMPLEMENTING**  
**THE REDEVELOPMENT PLAN FOR AREAS**  
**LOCATED WITHIN THE BOROUGH OF**  
**MERCHANTVILLE KNOWN AS THE "MAPLE**  
**AVENUE REDEVELOPMENT PLAN" AND**  
**AMENDING CHAPTER 94, ZONING,**  
**IN THE CODE OF THE BOROUGH OF**  
**MERCHANTVILLE**  
WHEREAS, a redevelopment project must be  
undertaken pursuant to a "redevelopment  
plan" adopted by municipal ordinance pur-  
suant to N.J.S.A. 40A:12A-7; and said rede-  
velopment plan must include an outline for  
the planning, development, redevelopment  
or rehabilitation of the project area; and  
WHEREAS, the Mayor and Borough Council  
of the Borough of Merchantville, County of  
Camden, and State of New Jersey directed  
the Planning Board of the Borough of  
Merchantville to conduct a preliminary  
investigation to determine whether certain  
areas within the Borough satisfied the statu-  
tory criteria as redevelopment areas; and  
WHEREAS, pursuant to the directive of the  
Mayor and Borough Council of the Borough  
of Merchantville, the Planning Board of the  
Borough of Merchantville to conduct a  
preliminary investigation and recommended  
the designation of all those areas of land  
within the Borough of Merchantville; more  
particularly described as Block 26; Lots 1-01,  
1-02, 1-05 and 1-07 on the Tax Map of the  
Borough of Merchantville, more commonly  
referred to as 32 West Maple Avenue and  
30 West Maple Avenue, as redevelopment  
areas and also prepared a redevelopment  
plan for the Mayor and Borough Council  
of the Borough of Merchantville for its  
approval; and  
WHEREAS, the Mayor and Borough Council  
of the Borough of Merchantville approved  
the recommendations of the Planning Board  
of the Borough of Merchantville by a major-  
ity vote of its full membership, designat-  
ing the areas within the "Maple Avenue  
Redevelopment Plan" as redevelopment  
areas; and  
WHEREAS, the redevelopment plan for the  
"Maple Avenue Redevelopment Plan" meets  
the aforesaid requirements, and is consistent  
with the Borough's Master Plan;  
NOW, THEREFORE, BE IT ORDAINED by the  
Mayor and Borough Council of the Borough  
of Merchantville, County of Camden, and  
State of New Jersey that the Redevelopment  
Plan recommended by the Planning Board of  
the Borough of Merchantville, and approved

by the Mayor and Borough Council of the  
Borough of Merchantville, is hereby adopted  
as the Maple Avenue Redevelopment Plan of  
the Borough of Merchantville for the areas  
identified above and depicted in the map  
and plan adopted hereby and incorporated  
herein pursuant to N.J.S.A. 40A:12A-7; and  
BE IT FURTHER ORDAINED that Article VIII,  
Section 94-33 of the Code of the Borough of  
Merchantville is amended, as it relates to this  
Redevelopment Zone only, as follows:

**ARTICLE II. SECTION 94-5**  
**Terms defined.**  
**CONVENIENCE STORES:** A store, generally  
less than 5,000 square feet in size, where  
the primary business is the sale of packaged  
goods and/or groceries and a wide variety of  
sundries, including, but not limited to, food,  
beverages, cigarettes, candy, confectionary  
items, film and film processing, small appli-  
ances, clothing, toys, nonprescription medi-  
cines, cards, pain relievers and pharmacy  
items purchased with or without medical  
prescriptions, health, hygiene and medical  
aids and supplies, refrigerated items, cos-  
metics, paper products, seasonal decorations  
and similar items.

**ARTICLE VIII. SECTION 94-33.1**  
**Permitted Principal Uses**  
**Maple Avenue**  
**Redevelopment Zone:**  
(A) Retail sales of goods and services, other  
than convenience stores.  
(B) See Section 94-33(B).  
(C) See Section 94-33(C).  
(D) See Section 94-33(D).  
(E) See Section 94-33(E).  
(F) See Section 94-33(F).  
(G) All other uses required by the Municipal  
Land Use Law, N.J.S.A. 40:55D-1, et seq.,  
excluding Senior Citizen multi-family build-  
ings.  
(H) Deleted in its entirety.

BE IT FURTHER ORDAINED that this  
Ordinance shall take effect upon passage  
and publication according to law.

**PUBLIC NOTICE**  
The foregoing ordinance was introduced  
by the Mayor and Council of the Borough  
of Merchantville at its regular meeting held  
on March 24, 2003. This Ordinance will be  
considered for adoption on final reading and  
public hearing to be held on April 28, 2003  
at 7:30 p.m. in the Council Meeting Room,  
Municipal Building, 1 West Maple Avenue,  
Merchantville, New Jersey.

SUSAN B. WALKER  
BOROUGH CLERK  
4/11/03

Prt's fee \$53.10

PROOF OF  
PUBLICATION

\* \* \*

County of Camden:

State of New Jersey: SS.

BRETT AINSWORTH, of lawful age,  
being duly sworn according to law,  
doth depose and say that he is the  
President of Ainsworth Media, Inc.,  
publishers of

"THE RETROSPECT"

a newspaper published in the  
Borough of Collingswood, County of  
Camden, State of New Jersey, under  
date of Friday of each week, and that  
the notice, of which the annexed is a  
true copy, was published in said  
newspaper under date of

5/2/03

and continued therein for

..... weeks successively  
thereafter, to wit:

making in all ..... publications.

Brett Ainsworth

\* \* \*

Susan Keneally Ainsworth

SWORN TO AND SUBSCRIBED  
BEFORE ME ON THIS DATE

MAY 02 2003

SUSAN KENEALLY-AINSWORTH  
Notary Public of New Jersey  
Commission Expires 9/13/2005

Borough of Merchantville  
ORDINANCE OF THE BOROUGH OF  
MERCHANTVILLE, COUNTY OF CAMDEN,  
STATE OF NEW JERSEY IMPLEMENTING  
THE REDEVELOPMENT PLAN FOR THE  
AREAS LOCATED WITHIN THE BOROUGH  
OF MERCHANTVILLE KNOWN AS THE  
"MAPLE AVENUE REDEVELOPMENT PLAN"  
AND AMENDING CHAPTER 94, ZONING,  
IN THE CODE OF THE BOROUGH OF  
MERCHANTVILLE  
NOTICE  
Please take notice that the foregoing  
Ordinance was adopted at a regular meeting  
of the Borough Council of the Borough of  
Merchantville held on April 28, 2003, at 7:  
30 p.m. in the Borough Hall, One West Maple  
Avenue, Merchantville, New Jersey.  
SUSAN B. WALKER  
BOROUGH CLERK  
5/2/03  
Prt's fee \$9.45